

**REMARKS**

Claims 1-69 are pending. Claims 9-36, 39-66, and 68 are withdrawn from consideration. Claims 1-8, 37, 38, 67, and 69 stand rejected. Moreover, claim 1 has been amended. Reconsideration is respectfully requested in view of the following remarks.

Claims 1-8, 37, 38, 67, and 69 stand rejected under 35 USC §103(a) as obvious over Haimerl in view of either Nowicki or Muller. The Examiner asserts that Haimerl shows a shoe and inherent/obvious process of making this shoe comprising an upper having an outer material and a functional layer, an outsole, an adhesive zone comprising a hot-melt adhesive/sealing substance and the outsole being cemented to the upper, substantially as claimed except for the exact hot-melt adhesive/sealing substance.

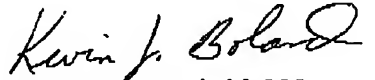
The Examiner takes official notice that reactive hot-melt polyurethane adhesives are well known as adhesives which are also sealing agents. The Examiner asserts that either Nowicki or Muller provide evidence of the official notice and clearly state that the use of reactive hot-melt adhesives is well known in the art of footwear. The Examiner then concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use any known polyurethane based adhesive/sealing agent including reactive hot-melt adhesive as clearly taught by either Nowicki or Muller. Applicant respectfully traverses this rejection.

Applicant submits that the use of reactive hot-melt adhesive as a waterproof sealing agent is neither disclosed nor suggested by the prior art. Applicant agrees with the Examiner's conclusion that Haimerl fails to disclose the claimed reactive hot-melt adhesive as a sealing material. However, Applicant respectfully disagrees with the Examiner's position that reactive hot-melt polyurethane adhesives are well known as adhesives which are also sealing agents. The Examiner correctly notes that either Nowicki or Muller provide evidence of the use of reactive hot-melt adhesives in the construction of footwear. However, there is simply no disclosure or suggestion in either of these references that reactive hot-melt adhesives can be used as a waterproof sealing agent, as currently claimed. Therefore, Applicant submits that the combination of references fails to render obvious the claimed invention. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

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Should the Office have any questions, the Office is invited to telephone  
Applicant's undersigned representative.

Respectfully submitted,



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